

RECEIVED  
CENTRAL FAX CENTER

JUN 19 2006

PATENT

Docket No. 134.02120121

(P-8731.08)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MORRIS et al. ) Group Art Unit: 3763  
Serial No.: 10/828,688 ) Examiner: Catharine Serke Willimas  
Confirmation No.: 4474 )  
Filed: April 21, 2004 )  
For: CATHETER FOR TARGET SPECIFIC DRUG DELIVERY

TERMINAL DISCLAIMER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Medtronic, Inc. is the owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 011151, Frame 0284 on October 10, 2000, and is the owner of 100 percent interest in U.S. Patent No. 6,551,290, as evidenced by an assignment recorded at Reel 011387, Frame 0102, on December 15, 2000. The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,551,290, issued April 22, 2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent

06/20/2006 MBINAS 00000052 134895 10028688

01 FC:1814 130.00 DA

**Terminal Disclaimer**

Page 2 of 2

Applicant(s): MORRIS et al.

Serial No.: 10/828,688

Confirmation No.: 4474

Filed: April 21, 2004

For: CATHETER FOR TARGET SPECIFIC DRUG DELIVERY

jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record as evidenced by the Associate Power of Attorney dated and submitted on April 21, 2004.

**FEE STATUS**

Please charge the required fee of \$130 under 37 C.F.R. §1.20(d) to Deposit Account No. 13-4895 and charge any additional required fees or credit any overpayment to Deposit Account No. 13-4895. Please contact Applicants' Representative at the below-listed telephone number with any questions.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of June, 2006, at 12:50 pm (Central Time).

Deb Schurmann  
Deb Schurmann

Respectfully submitted  
By  
Mueeting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Telephone (612)305-1220  
Facsimile (612)305-1228  
Customer Number 26813

19 JUNE 2006  
Date

By: KW Raasch  
Kevin W. Raasch  
Reg. No. 35,651  
Direct Dial (612) 305-1218